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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,244	11/20/2001	Ann De Bolster	BE000021	9645

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P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

BROWN, VERNAL U

ART UNIT	PAPER NUMBER
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2635

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DATE MAILED: 12/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/989,244

Applicant(s)

DE BOLSTER ET AL.

Examiner

Vernal U Brown

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other: _____

DETAILED ACTION

The application of Ann De Bolster for Arrangement including a remote Control Device and a first electronic device filed November 20, 2001 has been examined. Claims 1-8 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 3 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 3, the specification teaches the verification unit is within the first electronic device (page 2 lines 24-25 and page 7 lines 9-10). The inclusion of the verification unit in the second device is not supported by the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitao et al. U.S Patent 6160491 in view of Fong et al. U.S Patent 6309275.

Regarding claims 1-2, Kitao et al. teaches an arrangement including a remote control device and at least a first electronic device (figure 1), the remote control device having a first memory (106) for storing a set of code data for controlling an electronic device (col. 5 lines 48-50) which first memory is connected to an input of a signal generator (103) to supply the code data to the input, which signal generator is adapted to generate, on the basis of said code data, control signals for controlling the electronic device (col. 5 lines 58-65). Kitao et al. further teaches the electronic device having a data input (110) arranged to receive data from the remote control device (figure 1), characterized in that the remote control device has code data output unit (104) connected to the first memory (figure 1), said code data output unit having a input (105) for receiving an upload signal and being adapted to read, under control of said upload signal (col. 5 line 46-50). Kitao et al. is however silent on teaching transmitting data to a second electronic device which includes a second memory for storing the received data. Fong et al. in an art related remote controlled device teaches the use of a household remote control device for controlling a toy (col. 8 lines 2-5) and further teaches the toy (second device) which includes a memory for storing control codes (col. 13 lines 61-64, col. 14 lines 4-6).

It would have been obvious to one of ordinary skill in the art to transmit control information to a second electronic device in Kitao et al. as evidenced by Fong et al. because Kitao et al. suggests the use of a remote control unit to transmit control code to a electronic device and Fong et al. teaches a remote control unit transmitting control information to a first electron device (household appliance) and second electronic device (toy) and the code data is stored in the second device.

Regarding claims 3-4, Kitao et al. teaches a verification unit (112) connected to the memory and data input and adapted to compare the received data with the stored data (col. 6 lines 20-24) but is silent on teaching comparing the received subset with the subset stored in the second memory and generating a flag if the received subset is not stored. Fong et al. in an art related remote controlled device teaches comparing the received subset with the subset in memory by determining if the subset is valid (col. 14 lines 25-30) and generating flags (yes/no) indicating whether the data is stored in the memory (figure 6).

It would have been obvious to one of ordinary skill in the art to compare the received subset with the subset stored in the second memory and generating a flag if the received subset is not stored in Kitao et al. as evidenced by Fong et al. because Kitao et al. suggests a verification unit (112) connected to the memory and data input and adapted to compare the received data with the stored data and Fong et al. teaches comparing the received subset with the subset in memory by determining if the subset is valid and generating flags (yes/no) indicating whether the data is stored in the memory.

Regarding claim 7, Kitao et al. teaches an arrangement including a remote control device and at least a first electronic device (figure 1), the remote control device having a first memory

Art Unit: 2635

(106) for storing a set of code data for controlling an electronic device (col. 5 lines 48-50) which first memory is connected to an input of a signal generator (103) to supply the code data to the input, which signal generator is adapted to generate, on the basis of said code data, control signals for controlling the electronic device (col. 5 lines 58-65). Kitao et al. further teaches the electronic device having a data input (110) arranged to receive data from the remote control device (figure 1), characterized in that the remote control device has code data output unit (104) connected to the first memory (figure 1), said code data output unit having a input (105) for receiving an upload signal and being adapted to read, under control of said upload signal (col. 5 line 46-50). Kitao et al. is however silent on teaching transmitting data to a second electronic device which includes a second memory for storing the received data. Fong et al. in an art related remote controlled device teaches the use of a household remote control device for controlling a toy (col. 8 lines 2-5) and further teaches the toy (second device) which includes a memory for storing control codes (col. 13 lines 61-64, col. 14 lines 4-6).

It would have been obvious to one of ordinary skill in the art to transmit control information to a second electronic device in Kitao et al. as evidenced by Fong et al. because Kitao et al. suggests the use of a remote control unit to transmit control code to a electronic device and Fong et al. teaches a remote control unit transmitting control information to a first electron device (household appliance) and second electronic device (toy) and the code data is stored in the second device.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kitao et al. U.S. Patent 6160491 in view of Fong et al. U.S. Patent 6309275 and further in view of Harvey U.S. Patent 6130625.

Regarding claim 5, Kitao et al. in view of Fong et al. teaches identifying the received remote signal (U.S. Patent 6309275, col. 13 lines 66-67) but is silent on teaching the code data output is adapted to include an identifier which identifies the transmission protocol. Harvey in an art related remote control invention teaches the code data output is adapted to include an identifier that identifies the transmission protocol (col. 4 line 66-col. 5 line 3).

It would have been obvious to one of ordinary skill in the art for the code data output to be adapted to include an identifier that identifies the transmission protocol in Kitao et al. in view of Fong et al. as evidenced by Harvey because Kitao et al. in view of Fong et al. suggests identifying the received remote signal and Harvey teaches the code data output is adapted to include an identifier that identifies the transmission protocol.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kitao et al. U.S. Patent 6160491 in view of Fong et al. U.S. Patent 6309275 and further in view of Bradley et al. U.S. Patent 6574798.

Regarding claim 6, Kitao et al. in view of Fong et al. teaches a remote control transmitting signal to different devices as discussed in the response to claim 1 but is however silent on teaching the remote control transmitting to a first and second device which are the same. Bradley et al. teaches a remote control teaches a remote control transmitting signal to electronic devices which are the same (figure 1).

It would have been obvious to one of ordinary skill in the art to transmit signal to a first and second device that are the same in Kitao et al. in view of Fong et al. as evidenced by Bradley et al. because Kitao et al. in view of Fong et al. suggests transmitting signal to different devices and Bradley et al. teaches a remote control teaches a remote control transmitting signal to electronic devices which are the same in order to control electronic devices used in the same environment.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kitao et al. U.S Patent 6160491 in view of Fong et al. U.S Patent 6309275 and further in view of Yang U.S Patent 6133847.

Regarding claim 8, Kitao et al. in view of Fong et al. teaches a remote control transmitting signal to different devices as discussed in the response to claim 1 but is however silent on teaching the remote control is user-configurable. Yang in an art related remote control device teaches a user configurable remote control (col. 9 lines 63-66).

It would have been obvious to one of ordinary skill in the art to have a user-configurable remote control in Kitao et al. in view of Fong et al. as evidenced by Yang because Kitao et al. in view of Fong et al. suggests a remote control transmitting signal to different devices and Yang teaches a user configurable remote control in order to allow the user to configure the remote control to reflect their desired preferences.

Art Unit: 2635

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on M-Th, 8:30 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.



Vernal Brown
December 9, 2003

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

